

RECEIVED

DEC 09 2024

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Bishop Wayne R. Felton, individually, and
The Holy Christian Church International,

Case No.: 0:23-cv-467

Plaintiffs,

v.

De'Mario Jives, Individually,
DeMario Media LLC, Individually

Defendants,

DEFENDANT'S MOTION TO DISMISS REMAINING CLAIMS WITH PREJUDICE

COMES NOW, Defendant De'Mario Jives, and respectfully moves this Honorable Court to dismiss all of Plaintiff's remaining claims with prejudice due to Plaintiff's failure to provide sufficient proof that Defendant continues to post about Plaintiff(s) in violation of any court order or agreement. Furthermore, Defendant asserts that Plaintiff lacks the requisite standing to proceed with these claims. In support thereof, Defendant states the following:

I. Introduction

Defendant brings this motion in good faith to address and resolve the allegations made by Plaintiff. Despite Plaintiff's repeated claims, no credible evidence has been submitted to substantiate the accusation that Defendant is engaging in prohibited activities, including posting or distributing information regarding Plaintiff(s).

SCANNED

DEC 09 2024

U.S. DISTRICT COURT MPLS

II. Lack of Evidence to Support Plaintiff's Claims

1. No Tangible Proof of Current Activity:

Plaintiff has failed to provide any admissible evidence demonstrating that Defendant continues to post or otherwise disseminate information regarding Plaintiff(s). Without such evidence, Plaintiff's claims remain unsubstantiated and speculative.

2. Compliance with Prior Orders:

Defendant has taken diligent steps to ensure compliance with all prior court orders and settlement agreements, including the removal of any referenced content involving Plaintiff(s). Defendant reiterates that any allegations to the contrary are without merit and unsupported by the record.

III. Lack of Standing

Plaintiff's claims lack legal standing as they fail to demonstrate any ongoing harm or violation attributable to Defendant. Absent proof of direct and actionable conduct by Defendant, Plaintiff is unable to establish the necessary elements to maintain these claims.

IV. Request for Dismissal with Prejudice

In light of the above, Defendant respectfully requests that this Honorable Court dismiss all remaining claims against Defendant with prejudice. Such dismissal is warranted given the baseless nature of the allegations, Plaintiff's failure to provide supporting evidence, and the undue burden these claims impose on Defendant.

V. Conclusion

Defendant has fully complied with all relevant court directives and has acted in good faith to resolve this matter. Plaintiff's inability to substantiate their claims or demonstrate any ongoing harm underscores the necessity of dismissing these claims with prejudice.

WHEREFORE, Defendant respectfully prays that this Honorable Court:

1. Dismiss Plaintiff's remaining claims with prejudice;
2. Award Defendant such other and further relief as the Court deems just and proper.

Respectfully submitted,

De'Mario Jives

Date: December 7, 2024

Location: Tampa, Florida